



## CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Sale of Surplus City Property at 230½ East Lodi Avenue (Old Well 1)

MEETING DATE: December 20, 1995

PREPARED BY: Public Works Director

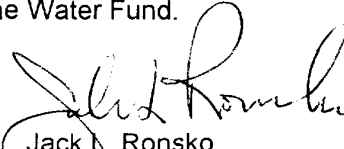
RECOMMENDED ACTION: That the City Council adopt the attached resolution authorizing the City Manager to execute the deed and Hold Harmless Agreement for the sale of surplus City property located at 230½ East Lodi Avenue.

BACKGROUND INFORMATION: On May 3, 1995, the City Council adopted Resolution No. 95-63 declaring three unused well sites as surplus property and authorizing staff to negotiate the sale of these properties to adjacent property owners. All of the sites are small and do not meet the requirements of legal lots.

The property owner adjacent to the abandoned well site located at 230½ East Lodi Avenue (old Well 1) wants to acquire this 400 square foot parcel and will pay the City \$500. The City will prepare the necessary documents to transfer the property and to incorporate this parcel into the existing property at 230 East Lodi Avenue (Exhibits 1, 2 and 3). On August 16, 1995, Council approved the execution of a Hold Harmless Agreement regarding this site (Exhibit 4). This Agreement will be recorded with the deed transferring the property to the adjacent owner. The cost of recording these documents will be paid from the sale receipts.

The City originally purchased this site in 1921 for the sum of \$10. If the property is not acquired by the adjacent property owner, the maintenance and liability of the site remains the City's responsibility. Therefore, it is in the City's best interest to sell this property and process the necessary documents to rejoin it to the parcel from which it was purchased in 1921.

FUNDING: Net sale proceeds will go into the Water Fund.

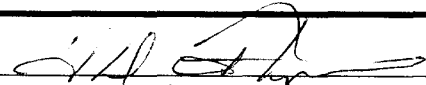
  
Jack L. Ronsko  
Public Works Director

Prepared by Sharon Blaufus, Administrative Assistant

JLR/SB/lm

cc: City Attorney  
Water/Wastewater Superintendent  
Mert's Alignment

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager



**MEMORANDUM, City of Lodi, Public Works Department**

**To:** City Clerk  
**From:** Administrative Assistant  
**Date:** December 26, 1995  
**Subject:** Sale of Surplus City Property at 230½ East Lodi Avenue

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Attached is the Hold Harmless Agreement and the grant deed which transfers the abandoned well site property at 230½ East Lodi Avenue to John A. Lippert and Jeffrey B. Lippert. The City Council authorized the City Manager to sign these documents at its meeting of December 20, 1995. Please have these documents signed and notarized. The resolution authorizing the City Manager to sign these should also be attached. We will take care of getting the Lipperts' signatures on the Hold Harmless Agreement.

Make the copies you need for your files but return all original documents to our office after they are signed for further processing. These documents, as well as a Certificate of Lot Line Adjustment and another deed, will be forwarded to the County Recorder's office when all are signed. We will send a copy of our letter to the Recorder to you for your files.

A handwritten signature in cursive script, appearing to read "Sharon".

Sharon Blaufus  
Administrative Assistant

sb

attachments

*Sharon is taking care  
of original documents, which  
were signed, notarized & handed  
to her on 12/28/95.  
JMT*

RESOLUTION NO. 95-155

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT DEED  
AND HOLD HARMLESS AGREEMENT FOR THE SALE OF SURPLUS  
CITY PROPERTY LOCATED AT 230½ EAST LODI AVENUE

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RESOLVED, that the Lodi City Council does hereby authorize the City Manager to execute a Grant Deed and Hold Harmless Agreement for the sale of surplus property located at 230½ East Lodi Avenue known as Old Well No.1 as shown on Exhibit 1, 2, 3 and 4 attached hereto.

Dated: December 20, 1995

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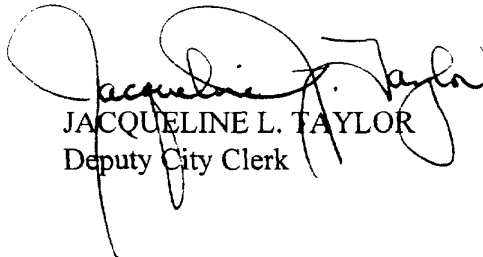
I hereby certify that Resolution No. 95-155 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 20, 1995 by the following vote:

AYES: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

NOES: Council Members - None

ABSENT: Council Members - None

ABSTAIN: Council Members - None

  
JACQUELINE L. TAYLOR  
Deputy City Clerk

## RECORDING REQUESTED BY

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

Name John & J. B. Lippert

Street Address 230 E. Lodi Ave.

City & State Lodi, CA 95240  
Zip

Title Order No. \_\_\_\_\_ Escrow No. \_\_\_\_\_

SPACE ABOVE THIS LINE FOR RECORDER'S USE

T 355 Legal (2-94)

## Grant Deed

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ -0-

☐ unincorporated area ☒ City of Lodi

Parcel No. APN 047-191-010

☐ computed on full value of interest or property conveyed, or

☐ computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF LODI, a municipal corporation

hereby GRANT(S) to

JOHN A. LIPPERT, a single man, as to an undivided 1/2 interest and  
JEFFREY B. LIPPERT, a single man, as to an undivided 1/2 interest.

the following described real property in the City of Lodi

county of San Joaquin, state of California:

A portion of Lot 9, in Block One of Lodi Barnhart Tract, according to the  
Official Map thereof, filed in Vol. 3 of Maps and Plats, Page 48, San Joaquin County  
Records and being more particularly described as follows:

Beginning at the Southeast corner of said Lot 9 and running thence North along  
the East line of said lot, 20 feet; thence West and parallel to the South line of  
said lot, 20 feet; thence South and parallel with the East line of said Lot 20 feet  
to the South line of said lot; thence East 20 feet along the South line of said  
lot, to the point of beginning.

Dated \_\_\_\_\_

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_ } S.S.

On \_\_\_\_\_ before me,

a Notary Public in and for said County and State, personally appeared \_\_\_\_\_

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged to me that he/she/they executed  
the same in his/her/their authorized capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s), or the entity upon behalf  
of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature \_\_\_\_\_

(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name

Street Address

City &amp; State

AFTER RECORDING, RETURN TO:

City of Lodi,  
Community Development Department  
P.O. Box 3006  
Lodi, CA 95241-1910

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**CERTIFICATE OF LOT LINE ADJUSTMENT**

Pursuant to Section 66412.d of the Government Code of the State of California and City of Lodi Subdivision Ordinance No. 1141, the City of Lodi Community Development Department hereby certifies that a Lot Merger was approved on \_\_\_\_\_ for the properties described in Exhibit "A" which is attached hereto and incorporated herein.

City of Lodi File No: \_\_\_\_\_

Parcel(s):	<u>047-191-09</u>	Property Owner(s):	<u>John A. Lippert and Jeffrey B. Lippert</u>
	<u>047-191-10</u>		<u>John A. Lippert and Jeffrey B. Lippert</u>
	_____		_____

This Certificate of Lot Line Adjustment is for notification purposes only and does not effect or accomplish the merger of lots as described in Exhibit "A". The Community Development Department does not guarantee that the properties described in Exhibit "A" match the above-referenced Lot Line Adjustment.

Executed by the City of Lodi Community Development Department on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
James B. Schroeder, Director  
Community Development Department  
City of Lodi

047-191-010

A portion of Lot 9, in Block One of Lodi Barnhart Tract, according to the Official Map thereof, filed in Vol. 3 of Maps and Plats, Page 48, San Joaquin County Records and being more particularly described as follows:

Beginning at the Southeast corner of said Lot 9 and running thence North along the East line of said lot, 20 feet; thence West and parallel to the South line of said lot, 20 feet; thence South and parallel with the East line of said Lot 20 feet to the South line of said lot; thence East 20 feet along the South line of said lot, to the point of beginning.

047-191-09

Lot Nine in Block One of Lodi Barnhart Tract, according to the Official Map thereof, filed in Vol. 3 of Maps and Plats, Page 48, San Joaquin County Records.

Save and except the following described parcel of land:

Beginning at the southeast corner of said Lot 9 and running thence North along the East line of said lot, 20 feet; thence West and parallel to the South line of said lot, 20 feet; thence South and parallel with the East line of said lot, 20 feet to the South line of said lot; thence East 20 feet along the South line of said lot, to the point of beginning.

## RECORDING REQUEST BY

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

Name John Lippert, et al.

Street Address 230 E. Lodi Ave.

City & State Lodi, CA 95240  
Zip

Title Order No. \_\_\_\_\_ Escrow No. \_\_\_\_\_

SPACE ABOVE THIS LINE FOR RECORDER'S USE

T 355 Legal (2-94)

## Grant Deed

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ \_\_\_\_\_

☐ \_\_\_\_\_ unincorporated area ☒ City of Lodi

Parcel No. \_\_\_\_\_

☐ computed on full value of interest or property conveyed, or

☐ computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JOHN A. LIPPERT, a single man, as to an undivided 1/2 interest and  
JEFFREY B. LIPPERT, a single man, as to an undivided 1/2 interest.  
hereby GRANT(S) to

JOHN A. LIPPERT, a single man, as to an undivided 1/2 interest and  
JEFFREY B. LIPPERT, a single man, as to an undivided 1/2 interest.

the following described real property in the City of Lodi  
county of San Joaquin, state of California:

LOT NINE IN BLOCK ONE OF LODI BARNHART TRACT, ACCORDING TO THE OFFICIAL MAP  
THEREOF, FILED IN VOL. 3 OF MAPS AND PLATS, PAGE 48, SAN JOAQUIN COUNTY RECORDS.

Dated \_\_\_\_\_

STATE OF CALIFORNIA }  
COUNTY OF \_\_\_\_\_ } S.S.

On \_\_\_\_\_ before me,

\_\_\_\_\_ a Notary Public in and for said County and State, personally appeared

\_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature \_\_\_\_\_

(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name

Street Address

City & State

After recording return to:  
Mert's Alignment  
230 E. Lodi Avenue  
Lodi, CA 95240

HOLD HARMLESS AGREEMENT  
  
FOR PURCHASE OF ABANDONED WELL SITE NO. 1  
  
LOCATED AT 230 1/2 EAST LODI AVENUE

This agreement is entered into between the CITY OF LODI, a Municipal Corporation, and MERT'S ALIGNMENT for the purchase of certain real property located within the City of Lodi commonly known as abandoned Well Site No. 1 located at 230 1/2 East Lodi Avenue, Lodi, California.

The City of Lodi agrees to hold harmless and indemnify Mert's Alignment from liability for any remediation or cleaning of the soil upon the parcel described below in Paragraph A which may be required by order of the State of California or any court due to the presence of PCE, TCE or DBCP upon said parcel.

**PARAGRAPH A:**

A portion of lot 9, in Block One of Lodi Barnhart Tract, according to the Official Map thereof, filed in Volume 3 of Maps and Plats, Page 48, San Joaquin County Records and being more particularly described as follows:

Beginning at the Southeast corner of said Lot 9 and running thence North along the East line of said lot, 20 feet; thence West and parallel to the South line of said lot, 20 feet; thence South and parallel with the East line of said lot 20 feet to the South line of said lot; thence East 20 feet along the South line of said lot, to the point of beginning.

This agreement shall be recorded and run with the owner's property and shall be binding upon and inure to the benefit of the parties successors, heirs and assigns.



CITY OF LODI, a municipal  
corporation

MERT'S ALIGNMENT

\_\_\_\_\_  
BY: John A. Lippert

\_\_\_\_\_  
DIXON FLYNN  
City Manager

\_\_\_\_\_  
BY: Jeffrey B. Lippert

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Attest:

Approved as to Form:

\_\_\_\_\_  
Jennifer M. Perrin  
City Clerk

\_\_\_\_\_  
John M. Luebberke  
Deputy City Attorney

State of California  
County of San Joaquin

On \_\_\_\_\_ before me, \_\_\_\_\_, personally  
appeared \_\_\_\_\_

\_\_\_\_\_, ☐ personally known to me - OR - ☐ proved to me on the basis of satisfactory  
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the  
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary